

REMARKS

This Reply and Amendment is intended to be completely responsive to the non-final Office Action dated July 27, 2005. Claim 1-30 are pending and Claims 1-30 stand rejected. Claims 1-3, 12, 16, 25 and 27-30 have been amended.

Claims Rejections – 35 U.S.C. § 112 ¶ 2

In section 2 of the Office Action, the Examiner rejected Claims 28-30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that “Claims 28-30 are drawn to a method and include method steps but are all dependent from apparatus claims wherein there is no clear antecedent basis for the method steps in claims 28-30 in the parent apparatus claims” and the “antecedent for claims 28-30 is in claim 27.”

The Applicants have amended Claims 27-30 to clarify the method steps and to correct the claim dependency to independent Claim 27. The Applicants respectfully submit that the rejection under 35 U.S.C. § 112 ¶ 2 has been overcome. The Applicants request reconsideration and allowance of Claims 27-30.

Claim Rejections – 35 U.S.C. § 102(b)

In Section 4 of the Office Action, the Examiner rejected Claims 1-4, 8-18, 22-26 and 28-30 are under 35 U.S.C. 102(b) as being anticipated by Burke.

In Section 5 of the Office Action, the Examiner rejected Claims 1-10, 13, 16-22, 24, 25, 27 and 29 are under 35 U.S.C. 102(b) as being anticipated by Cole.

In Section 6 of the Office Action, the Examiner rejected Claims 1-4, 8-14, 16-18 and 22-30 are under 35 U.S.C. 102(b) as being anticipated by Wall.

U.S. Patent No. 3,332,439 issued to Burke (“Burke”) discloses a “hole 28 formed through body portion 16 ... to receive a flexible tubular member 29” (see col. 3, lines 3-5).

U.S. Patent No. 4,607,659 issued to Cole ("Cole") discloses a "substantially circularly cylindrical cavity or receptacle 32" that is "extending coaxially through the outlet neck 31 and into the support body" (see col. 3, lines 52-54).

U.S. Patent No. 3,410,517 issued to Wall ("Wall") discloses "abutting inserts 16 and 17" and "that hose 29 is firmly engaged by inserts 16 and 17 of top and bottom shell units 11 and 15 (FIGURE 3) which closely conform to the surface of hose 29" (see col. 2, lines 10-11 and 28-31).

Claims 1-15

Claim 1 (as amended) is in independent form. Independent Claim 1 (as amended) recites an "apparatus" comprising, in combination with other elements, a "housing comprising a curved portion extending along an axis of the tube and defining an opening between an end of the curved portion and the housing, the opening providing access to a passage configured to at least partially receive the tube." An "apparatus" as now recited in independent Claim 1 (as amended) is not disclosed, taught, or suggested by Burke, Cole, or Wall alone, or in any proper combination. Claims 2-15 depend from independent Claim 1 (as amended).

Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of Claims 1-15.

Claims 16-26

Claim 16 (as amended) is in independent form. Independent Claim 16 (as amended) recites an "apparatus" comprising, in combination with other elements, an "opening extending along a length of the channel to permit placement of the hose in the channel and removal of the hose from the channel." An "apparatus" as now recited in independent Claim 16 (as amended) is not disclosed, taught, or suggested by Burke, Cole, or Wall alone, or in any proper combination. Claims 17-26 depend from independent Claim 16 (as amended).

Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of Claims 16-26.

Claims 27-30

Claim 27 (as amended) is in independent form. Independent Claim 27 (as amended) recites a “method of producing a valve” comprising, in combination with other steps, “providing an opening coextensive with a length of the passage.” A “method of producing a valve” as now recited in independent Claim 27 (as amended) is not disclosed, taught, or suggested by Burke, Cole, or Wall alone, or in any proper combination. Claims 22-30 depend from independent Claim 27 (as amended).

Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of Claims 27-30.

The Applicants believe that the present Application is now in condition for allowance. Reconsideration and allowance of pending Claims 1-30 of the Application as amended is respectfully requested.

* * *

The Applicants respectfully submit that each and every outstanding rejection has been overcome, and the present Application is in a condition for allowance. The Applicants request reconsideration and allowance of pending Claims 1-30.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that a telephone interview would advance the prosecution of the present Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to the Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extension fees to Deposit Account No. 06-1447.

Respectfully submitted,

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FOLEY & LARDNER LLP
777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-5306
Telephone: (414) 297-5591
Facsimile: (414) 297-4900

By



John M. Lazarus
Attorney for the Applicants
Registration No. 48,367